



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703)583-3800
www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

Thomas A. Faha
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
ZAMMA CORPORATION
FOR
ZAMMA FACILITY
Registration No. 41014**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Zamma Corporation, regarding the Zamma Facility, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

4. "Facility" means the Zamma Corporation facility, located at 14468 Litchfield Drive in Orange County, Virginia.
5. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
6. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
8. "Permit" means a Minor New Source Review Permit to modify and operate a flooring laminate manufacturing facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Zamma Corporation on September 27, 2006, as amended January 11, 2008.
9. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
10. "Va. Code" means the Code of Virginia (1950), as amended.
11. "VAC" means the Virginia Administrative Code.
12. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.
13. "Zamma" means Zamma Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Zamma is a "person" within the meaning of Va. Code § 10.1-1300.

SECTION C: Findings of Fact and Conclusions of Law

1. Zamma owns and operates the Facility in Orange County, Virginia. The Facility is the subject of the Permit which allows Zamma to modify and operate a flooring laminate manufacturing facility.
2. On May 20, 2019, DEQ staff conducted a review of the CY2018 Annual Update Report submitted by Zamma. DEQ staff observed that Zamma reported an adhesive throughput of 439,584 pounds for CY2018.
3. Condition 13 of the Permit states that the throughput of adhesives shall not exceed 260,000 lbs./year, calculated monthly as the sum of each consecutive twelve month period. The throughput of stains shall not exceed 3,440 gal/year, calculated monthly as the sum of each consecutive twelve month period. Compliance for the consecutive twelve month period shall be demonstrated monthly by adding the total for the most

recently completed calendar month to the individual monthly totals for the preceding eleven months.

4. On June 17, 2019, based on the Zamma's reported adhesive throughput exceeding the limit allowed by the Permit as described above, the Department issued Notice of Violation (NOV) No. ANRO001228 to the Zamma.
5. On July 3, 2019, DEQ staff met with representatives of Zamma to discuss the NOV.
 - a. Zamma did not deny that it had exceeded the adhesive throughput limit, but stated that Zamma's reported value of 439,584 pounds for CY2018 was likely an over-estimate, as staff turnover at the Facility resulted in gaps and inconsistencies in some data records concerning adhesives inventories.
 - b. Zamma explained the details of new calculations being utilized by Facility staff to more accurately calculate adhesive throughput based on actual adhesive application rates at various stages of the manufacturing process. Zamma also explained how several changes had been enacted concerning the management and application of adhesives to better control/limit the use of adhesives and to ensure more accurate data recording in the future.
 - c. Zamma requested the opportunity to submit revised adhesive throughput data for July through December 2018 and to submit data for January through June 2019 in order to get an up-to-date and accurate estimate of Zamma's annual adhesive throughput.
 - d. DEQ granted Zamma's request to submit revised and updated adhesive throughput data.
6. On July 22, 2019, Zamma submitted to DEQ a formal response to the NOV that included revised data for adhesive throughput at the Facility.
 - a. Zamma reported an adhesive throughput at the Facility of 399,502 pounds for July 2018 through June 2019.
 - b. DEQ accepted and approved Zamma's data submission.
 - c. This reported annual throughput is in exceedance of the 260,000 lbs./year limit allowed by Zamma's permit.
 - d. Zamma did not submit revised adhesive throughput data for January through June 2018. A review of all available adhesive throughput data for CY2017, CY2018, and CY2019 shows that Zamma was in exceedance of the annual adhesive throughput limit of 260,000 lbs./year from April 2018 through June 2019. Data after June 2019 has not yet been submitted to DEQ.

7. Based on the results of the May 20, 2019 evaluation, the July 3, 2019 meeting, and the documentation submitted by Zamma on July 22, 2019, the Board concludes that Zamma has violated Permit condition 13 as described in paragraphs C(1) through C(6), above.
8. In order for Zamma to return to compliance, DEQ staff and representatives of Zamma have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Zamma, and Zamma agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of **\$11,934.54** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Zamma shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Zamma shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Zamma for good cause shown by Zamma, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. ANRO001228 dated June 17, 2019. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, Zamma admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Zamma consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Zamma declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Zamma to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Zamma shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Zamma shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Zamma shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Zamma. Nevertheless, Zamma agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Zamma has completed all of the requirements of the Order;
 - b. Zamma petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Zamma.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Zamma from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Zamma and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Zamma certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind Zamma to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Zamma.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Zamma voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 13th day of February, 2020.



Thomas A. Faha, Regional Director
Department of Environmental Quality

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Zamma Corporation voluntarily agrees to the issuance of this Order.

Date: 2-12-20 By: [Signature], EVP
(Person) (Title)
Zamma Corporation

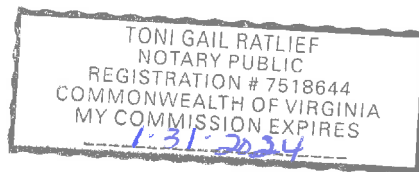
Commonwealth of Virginia
City/County of Orange

The foregoing document was signed and acknowledged before me this 12th day of February, 2020, by Robert Mason who is Exec. VP of Zamma Corporation, on behalf of the corporation.

[Signature]
Notary Public
7518644
Registration No.

My commission expires: 01-31-2024

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Zamma Corporation shall:

1. Within 30 days of the execution of this Order, submit to DEQ either a Form 7 to request an amendment of the Permit, or documentation to demonstrate Zamma's compliance with the current adhesive throughput limit listed in the Permit.

If Zamma opts to submit a Form 7 to request an amendment of the Permit, then Zamma shall respond to any requests for information within the time frame specified by DEQ in permitting correspondence.

2. In accordance with 9 VAC 5-20-230(A), in all documents or reports submitted to DEQ pursuant to this Consent Order, Zamma, shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

3. Unless otherwise specified in this Order, Zamma shall submit all requirements of Appendix A of this Order to:

Virginia Department of Environmental Quality
Northern Regional Office
Attention Enforcement
13901 Crown Court
Woodbridge, Virginia 22193